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1952.

File No. Growth of Food Crops
Legal Dept. II/52 (N)

B **BRANCH**

p.2(C) 1952

Subject:— Notifications under the Bombay Growth of Food Crops Act 1944

File No. Growth of Food Crops II/52 (N)

142-B

Order.

Agriculture and Forests Department.
Bombay Castle, April, 1952.

Bombay Growth of Foodcrops Act, 1944.

No.4391-L - In exercise of the powers conferred by Section 5 of the Bombay Growth of Foodcrops Act, 1944 (Bom.VIII of 1944) read with Section 2 of the Bombay Growth of Foodcrops (Repeal and Re-enactment) Act, 1948 (Bom.II of 1948), and in supersession of Government Order in the Agriculture and Forest Department No.4391-A, dated the 10th August 1951, the Government of Bombay is pleased to direct that, in the districts specified in the Schedule appended hereto, tobacco shall not be grown after the date of this Order in that part of a cultivator's holding in which it was grown in the previous twelve months.

Schedule.
Districts.

Kaira District.
Baroda District.
Mehsana District.
Satara North District.
Satara South District.
Belgaum District.
Kolhapur district.

By order of the Governor of Bombay,

Secretary to Government.

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Legal Department.

No question of delegating to the Collector the statutory duty of any authority is involved in this case. It is a mere question of amending the executive orders already issued with reference to the Bombay Growth of Food Crops Act, 1944, in the following circumstances.

2. At page 25 of A.& R.D. File No.7133/39-L, it is stated that "it is not Government's intention to insist on a meticulous observance of section 3, and prosecutions under section 3 should not be launched without Government's sanction, and requests for permission to prosecute under section 3 should be confined to cases of blatant and open defiance of orders'. With a view to implementing this policy, Government issued instructions in R.D., Circular No.7133/39, dated the 26th June 1944, directing the Commissioners that prosecutions for breaches of the Act must not be instituted without prior sanction of Government. In G.R., R.C.D.,No.7133/39/L, dated the 12th September 1945, Government modified those instructions and directed that prosecutions should not be launched except with the prior sanction of the Commissioners who should if they think fit empower individual Collectors to institute prosecutions without consulting them.

3. As the office of the Commissioners has been abolished it is not practicable to give effect to the aforesaid Government instructions. Government now desires that prosecutions for breaches of the Act should not be launched except with the previous sanction of the Collectors who should carry out the general policy of Government i.e. of sanctioning prosecution only where deliberate infringement of the Act takes place. To achieve the object in view the proper way would be to issue fresh instructions in supersession of the instructions given in G.R. R.C.D. No. 7133/39/L, dated 12-9-1945. The instructions on the lines of the appended G.R. will suffice.

Id/-
Additional Deputy Secretary to Government.

U.R. to A.& F.D., No. 12379, dated the 26th July 1952.